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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 2nd April, 2025***

+ CM(M) 969/2023 & CM APPL. 31054/2023

PAWANDEEP SINGH SURI AND ANRPetitioners

Through: Mr. Deepak Pathak with Mr. Saquib
Neshat, Advocates.

versus

SUSHIL JUNEJA AND ANRRespondents

Through: Mr. Abhey Narula, Advocate for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for permanent and mandatory injunction.
2. When the matter was taken up by the learned Trial Court on 17.05.2023, noticing that the prayer clause had been framed in a very general and unspecific manner, it asked the plaintiff to make necessary changes in the *prayer clause*.
3. The abovesaid order dated 17.05.2023 is under challenge.
4. According to learned counsel for the defendants (petitioners herein), even if the learned Trial Court wanted to invoke its *suo moto* powers and wanted to direct any of the parties to amend the pleadings, it should have, at least, heard them, before making any sweeping directions in this regard.
5. Fact remains that since the proceedings are lying stayed, nothing further has been done even by the plaintiffs/respondents though, admittedly, defendants/petitioners have already filed a written statement to the existing suit.



6. Learned counsel for the plaintiffs/respondents also submits that he be given permission to file appropriate application under Order VI Rule 17 CPC and prays for requisite directions.
7. He, however, also submits that the sole endeavour of the learned Trial Court was to suggest the plaintiffs/respondents to move an application and it never directed amendment.
8. Quite possibly, though it might be true but fact remains that the learned Trial Court has, virtually, directed the plaintiffs/respondents to amend the suit.
9. In view of the above, without prejudice to the rights and contentions of either of the parties, order dated 17.05.2023 is set aside while permitting the plaintiffs/respondents to move appropriate application under Order VI Rule 17 CPC. Needless to say, as and when such application is filed, the learned Trial Court, after hearing both the sides, shall dispose of the same in accordance with law.
10. The present petition, along with the pending applications, stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 2, 2025
st/SS